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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,888	03/02/2002	Ron Naismith	SAA-46-1	9721

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SCHNEIDER ELECTRIC / SQUARE D COMPANY  
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EXAMINER
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NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/087,888	Applicant(s) NAISMITH ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-18 are presented for examination.

#### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. It appears claim 1 claiming the initiating command from the first node, initiating command from the second node, there is not tangible result being produce as a result of the initiating commands from both nodes. As required by 35 U.S.C. 101, the claim invention as a whole must be useful and accomplish a practical application, that is, it must produce a “useful, concrete and tangible result”. As such, claim 1 fails to produce a useful, concrete and tangible result [ Please see MPEP 2106 ].

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-7, 9-11, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Borella et al. [ US Patent No 6,269,099 ].

5. As per claim 1, Borella discloses the invention as claimed including a method for identifying a second device on a second node of a standard communications network from a first device located on a first node of the standard communications network [ i.e. a method and system for edge routers to identify one another ] [ col 2, lines 34-46 ], comprising the steps of:

initiating from the first node a first communications command in a peer protocol format addressed to the second node [ i.e. transmitting the TCP/IP SYN segment from first device to second device ] [ Figure 4A; and col 6, lines 61-col 7, lines 17 ];

initiating from the second node a second communications command in the peer protocol format addressed to the first node [ i.e. second network device responds to the first network device with TCP/IP SYN ACKnowledgment segment ] [ Figure 4B; and col 7, lines 17-24 ];

identifying the second device on the second node as a peer device within the first device on the first node [ i.e. addresses of first and second network device ] [ Figure 4A; and col 7, lines 9-17 ]; and

identifying the first device on the first node as a peer device within the second device on the second node [ i.e. reversed of addresses ] [ Figure 4B; and col 7, lines 9-24 ].

6. As per claim 5, Borella discloses wherein the standard communications network is

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Ethernet [ col 5, lines 56-67 ].

7. As per claim 6, Borella discloses the step of: after initiating from the first node a first communications command in a peer protocol format to the second node, responding to the first communications command from the second node to the first node [ i.e. after sending the TCP/IP ACK segment, a TCP connection is established between device and TCP data can then be exchanged ] [ col 7, lines 29-35 ].

8. As per claim 7, Borella discloses the step of: after initiating from the second node the second communications command in the peer protocol format to the first node, responding to the second communications command from the first node to the second node [ i.e. after sending the TCP/IP ACK segment, a TCP connection is established between device and TCP data can then be exchanged ] [ col 7, lines 29-35 ].

9. As per claim 9, it is rejected for similar reasons as stated above in claim 1. Furthermore, Borella discloses a receptor for receiving from the second node a second communications command in the peer protocol format, in response to the first communications command [ i.e. first network device responds to TCP/IP SYN ACK segment with TCP/IP ACK segment ] [ Figure 4C; and col 7, lines 24-28 ].

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10. As per claim 10, Borella discloses a scan table for storing parameters relating to the devices, the scanner using one or more of the parameters for scanning the devices [ Figures 8A and 8B; and col 9, lines 6-24 ].

11. As per claim 11, it is rejected for similar reasons as stated above in claim 1.

12. As per claim 15, it is rejected for similar reasons as stated above in claim 5.

13. As per claims 16 and 17, they are rejected for similar reasons as stated above in claims 6 and 7.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-4, 8, 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al. [ US Patent No 6,269,099 ], in view of Ruckley et al. [ US Patent No 6,360,277 ].

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16. As per claim 2, Borella does not specifically disclose wherein the peer protocol format is a programmable logic controller (PLC) format. Ruckley discloses wherein the peer protocol format is a programmable logic controller (PLC) format [ col 1, lines 36-38 and lines 61-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Borella and Ruckley because Ruckley's teaching of PLC would provide to simplify the installation and maintenance of industrial process control systems [ Ruckley, col 2, lines 23-26 ].

17. As per claim 3, Ruckley discloses wherein the peer device is a programmable logic controller (PLC) device [ col 1, lines 36-38 and lines 61-64 ].

18. As per claim 4, Ruckley discloses wherein the peer protocol format is Modbus [ Figure 2; and col 3, lines 5-14 ].

19. As per claim 8, Borella does not specifically disclose the steps of: setting the first node to an active status; and, setting the second node to a passive status. Ruckley discloses the steps of: setting the first node to an active status; and, setting the second node to a passive status [ col 3, lines 49-61 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Borella and Ruckley because Ruckley's teaching would allow to decentralize digital controllers to be networked together from the field level to the cell level [ Ruckley, col 3, lines 45-48 ]

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20. As per claims 12-14, they are rejected for similar reasons as stated above in claims 2-4.

21. As per claim 18, it is rejected for similar reasons as stated above in claim 8.

22. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

23. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long horizontal flourish extending to the right.